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Tenant and Immigrant Rights Groups Sue HUD Over Rule Threatening to Evict Thousands of Immigrant Families Nationwide

Lawsuit Seeks to Block Unlawful Policy Endangering 80,000 People, Including Approximately 35,000 U.S. Citizen Children, in Mixed-Status Families

(BOSTON, MA) - National Housing Law Project, The Legal Aid Society, LatinoJustice PRLDEF, Winston Taylor LLP, Greater Boston Legal Services and **Massachusetts Law Reform Institute** filed a federal class action lawsuit today on behalf of **Jane Does** and associational plaintiffs **Mass Union of Public Housing Tenants**, **Fall River Tenants Council**, **Border Workers United**, and **Smith Houses Resident Association.** The litigation challenges a U.S. Department of Housing and Urban Development (HUD) rule that would strip housing assistance from tens of thousands of families with mixed immigration status nationwide.

Attorneys argue that the rule is unlawful and unconstitutional, and that it directly violates Section 214 of the Housing and Community Development Act, the Administrative Procedure Act, and equal protection and due process guarantees of the Fifth Amendment to the United States Constitution.

The lawsuit also challenges HUD Guidance that imposes new, onerous and impracticable documentation requirements on all recipients of HUD rental assistance and threatens housing stability of tens of thousands of additional families, including many elderly and disabled individuals.

The complaint charges that the rule is fueled by anti-immigrant bias, deliberately targeting all immigrants — especially Latino families, who make up nearly 90% of those at risk of losing assistance.

According to HUD's own estimates, nearly 80,000 individuals, including approximately 35,000 U.S. citizen children, living in mixed-status families receive housing assistance nationwide. The rule would force families to make the impossible decision between separating to maintain their HUD assistance or leaving HUD housing altogether, thereby risking homelessness.

"Mass Union is proud to include many immigrant families in our membership," said **Dave Underhill, Mass Union's Board Chair** and a public housing tenant in Fall River, MA. "For decades, families with blended immigration statuses have been lawfully living in public housing, paying rent, and contributing to our

communities. The Trump Administration wants to evict our immigrant neighbors, including 35,000 U.S. citizen children. This is not only deplorable, but counter to what the law has been for decades."

"No matter where we come from or what language we speak, our country has the resources to ensure that all of us have a safe place to call home. But President Trump and Secretary Turner are exploiting the economic crises that have worsened under their watch to sow division, scapegoat immigrants, and destroy the federal housing programs," said **National Housing Law Project Managing Attorney Marie Claire Tran-Leung**. "That's why we're taking them to court. We're ready to fight alongside our immigrant neighbors to keep families whole and housed."

"Simply put, this rule is both unlawful and inhumane," said **Lucy Newman, Supervising Attorney in the Public Housing Unit at The Legal Aid Society.** "It targets immigrant families with no regard for the devastating consequences of forcing children from their homes, separating families, and increasing homelessness. HUD is disregarding our client's constitutional rights and decades of well-established law, is ignoring overwhelming public opposition, and has admitted the rule will cost hundreds of millions of dollars without easing the housing crisis. With our partners, we bring this class action litigation to put an end to this dangerous and unlawful policy before it causes irreparable harm to tens of thousands of families across the country."

"This rule is a cruel attack on immigrant families, particularly Latinx communities who make up the overwhelming majority of those impacted," said **Francisca Fajana, Director of Racial Justice Strategy, LatinoJustice PRLDEF.** "It targets U.S. citizen and lawfully present children and punishes them simply because of their parents' immigration status. We're proud to join this lawsuit to stop thousands of families from losing permanent federally assisted housing and end this unconstitutional policy."

For over 30 years, HUD regulations have allowed mixed-status families to live together in subsidized housing by prorating assistance based on the number of eligible family members. This long-standing policy reflects Congressional intent to protect family unity and avoid making U.S. citizens — especially children — homeless due to the immigration status of others in their household.

HUD itself acknowledged in a regulatory analysis that the rule would cost housing subsidy providers as much as $385 million per year in additional benefits and displace tens of thousands of eligible families without improving housing access or reducing waitlists.

"The proposal to change decades of HUD policy and displace or separate tens of thousands of immigrant families is illegal and irrational," said **Joey Michalakes, Deputy Managing Attorney of the Housing Unit at GBLS**. "The rule would worsen the affordable housing crisis in Boston and across the country; impose unreasonable bureaucratic burdens upon both tenants and providers of federally-assisted housing; and blatantly violate HUD's duty to affirmatively further fair housing. We are honored to be part of the team that is working to make sure that it never goes into effect."

"Imagine being told you have to choose between breaking up your family in order to keep your home or keep your family together and lose your home," said **Annette Duke, Senior Housing Attorney at the Massachusetts Law Reform Institute**. "For an immigrant in public housing, this is not hypothetical — it's the impossible choice that HUD's new rule is forcing families to make. The rule will destabilize thousands of families who pay their rent and contribute to their community. It is cruel, misguided, and unlawful and we are filing suit with our local and national partners to end this harmful policy."

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The National Housing Law Project's mission is to advance housing justice for poor people and communities. We achieve this by strengthening and enforcing the rights of tenants and low-income homeowners, increasing housing opportunities for underserved communities, and preserving and expanding the nation's supply of safe and affordable homes.

The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of the people we serve and helps improve our communities. www.legalaidnyc.org

Greater Boston Legal Services (GBLS) provides free civil legal assistance to community members in need, including survivors of domestic violence, families facing housing instability, elders, people with disabilities, homeowners facing foreclosure, low-wage workers, families with no source of income, and immigrants facing persecution. Annually, GBLS serves almost 12,000 households and conducts strategic advocacy to bring about positive systematic change throughout the region and state. For more information, please visit www.gbls.org.

Founded in 1968, Massachusetts Law Reform Institute (MLRI) is a nonprofit poverty law and policy center that provides statewide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people and communities. To learn more, visit MLRI.org.

The Massachusetts Union of Public Housing Tenants is a nonprofit run by tenants for tenants. Our mission is to build power and voice for tenants so that we may effectively improve public housing in Massachusetts. Founded by public housing residents in 1967 and incorporated in 1971, Mass Union is the oldest statewide public housing tenants' organization in the nation. massunion.org

For over five decades, LatinoJustice PRLDEF has used and challenged laws to create a more just and equitable society. We transform harmful systems, empower our communities, fight for racial justice, and grow the next generation of líderes. To learn more, visit www.LatinoJustice.org